

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

TINA SMITH, and TAYLOR BROWN,

Defendants.

4:21CR3107

ORDER

Defendants have moved to continue the pretrial motion deadline and trial setting, (Filing Nos. 29 and 30), because Defendant and defense counsel need additional time to fully review the discovery received before deciding if pretrial motions should be filed. The motion to continue is unopposed. Based on the showing set forth in the motion, the court finds the motion should be granted. Accordingly,

IT IS ORDERED:

- 1) Defendants' motions to continue, (Filing Nos. 29 and 30), are granted.
- 2) Pretrial motions and briefs shall be filed on or before October 29, 2021.
- 3) As to both defendants, trial of this case is set to commence before the Honorable John M. Gerrard, United States District Judge, in Courtroom 1, United States Courthouse, Lincoln, Nebraska, at 9:00 a.m. on November 29, 2021, or as soon thereafter as the case may be called, for a duration of three (3) trial days. Jury selection will be held at commencement of trial.
- 4) The ends of justice served by granting the motion to continue outweigh the interests of the public and the defendants in a speedy trial, and as to both defendants, the additional time arising as a

result of the granting of the motions, the time between today's date and October 29, 2021 shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because although counsel have been duly diligent, additional time is needed to adequately prepare this case for trial and failing to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1), (h)(6) & (h)(7). Failing to timely object to this order as provided under this court's local rules will be deemed a waiver of any right to later claim the time should not have been excluded under the Speedy Trial Act.

Dated this 28th day of September, 2021.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge